

PROOF

STATE OF IOWA

House Journal

MONDAY, JANUARY 27, 2003

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(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 27, 2003

The House met pursuant to adjournment at 1:03 p.m., Speaker pro tempore Carroll in the chair.

Prayer was offered by Reverend David Larson, pastor of the First Baptist Church, Independence. He was the guest of Representative Dan Rasmussen of Buchanan County.

The Journal of Friday, January 24, 2003 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nicholas A. Sievert, the Chief Clerk's Page from West Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Klemme of Plymouth on request of Gipp of Winneshiek.

INTRODUCTION OF BILLS

[House File 61](#), by Tymeson, Alons, Lukan, Paulsen, and D. Taylor, a bill for an act extending veterans benefits, preferences, and tax exemptions to certain members of reserve forces of the United States and the Iowa national guard, and providing an effective date.

Read first time and referred to committee on **ways and means**.

[House File 62](#), by Osterhaus, a bill for an act relating to required disclosure of information to residents of continuing care retirement communities and senior adult congregate living facilities and making penalties applicable.

Read first time and referred to committee on **human resources**.

[House File 63](#), by Jochum, Reasoner, Murphy, Oldson, Whitead, Lykam, D. Olson, Myers, Bukta, Whitaker, Hogg, Gaskill, Berry, Frevert, Wendt, Mertz, Cohoon, Winckler, Lensing, Miller, Ford, Petersen, Thomas, Osterhaus, Foege, Mascher, Kuhn, Greimann, Dandekar, Heddens, Davitt, Fallon, Smith, Shoultz, Connors, T. Taylor, D. Taylor, and Stevens, a bill for an act relating to third-party payment of health care coverage costs for mental health conditions, including substance abuse treatment services.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 64](#), by Boddicker, a bill for an act relating to modification of a child custody order based on exposure of the child to a cohabiting intimate partner.

Read first time and referred to committee on **human resources**.

CONSIDERATION OF BILLS Appropriations Calendar

[House File 32](#), a bill for an act relating to the allowance of and reimbursement for the homestead, agricultural land, and elderly and disabled property tax credits, increasing appropriations previously reduced, and providing an effective date, was taken up for consideration.

Jenkins of Black Hawk offered amendment [H-1002](#) filed by him as follows:

H-1002

- 1 Amend [House File 32](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. HOMESTEAD TAX CREDIT.
- 5 1. There is appropriated from the general fund of
- 6 the state to the department of revenue and finance for
- 7 the fiscal year beginning July 1, 2002, and ending
- 8 June 30, 2003, the following amount for the purpose
- 9 designated:
- 10 For reimbursing counties for granting homestead tax
- 11 credits as provided in subsection 2:
- 12 § 2,375,123
- 13 2. The appropriation made in subsection 1 shall be

14 used to reimburse counties, to the extent not
 15 previously reimbursed, that granted to taxpayers the
 16 homestead credit pursuant to section 425.1 for taxes
 17 payable in the fiscal year beginning July 1, 2002. If
 18 the amount appropriated is insufficient to reimburse
 19 all credits granted, the department shall prorate the
 20 reimbursements. Payments made pursuant to this
 21 subsection shall not be made sooner than March 15,
 22 2003.

23 3. The appropriation in subsection 1 is in
 24 addition to the appropriation made in section 425.1 as
 25 limited by 2002 Iowa Acts, chapter 1171, section 175,
 26 subsection 10, as amended by 2002 Iowa Acts, Second
 27 Extraordinary Session, chapter 1003, section 181.

28 Sec. 2. ELDERLY AND DISABLED TAX CREDIT.

29 1. There is appropriated from the general fund of
 30 the state to the department of revenue and finance for
 31 the fiscal year beginning July 1, 2002, and ending
 32 June 30, 2003, the following amount for the purpose
 33 designated:

34 For reimbursing counties for granting elderly and
 35 disabled tax credits as provided in subsection 2:
 36 \$ 355,349

37 2. The appropriation made in subsection 1 shall be
 38 used to reimburse counties, to the extent not
 39 previously reimbursed, that granted to taxpayers the
 40 elderly and disabled tax credit pursuant to section
 41 425.23 for taxes payable in the fiscal year beginning
 42 July 1, 2002. If the amount appropriated is
 43 insufficient to reimburse all credits granted, the
 44 department shall prorate the reimbursements. Payments
 45 made pursuant to this subsection shall not be made
 46 sooner than March 15, 2003.

47 3. The appropriation in subsection 1 is in
 48 addition to the appropriation made in section 425.39
 49 as limited by 2002 Iowa Acts, chapter 1171, section
 50 176, as amended by 2002 Iowa Acts, Second

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1 Extraordinary Session, chapter 1003, section 182.

2 Sec. 3. AGRICULTURAL LAND TAX CREDIT.

3 1. There is appropriated from the general fund of
 4 the state to the department of revenue and finance for
 5 the fiscal year beginning July 1, 2002, and ending
 6 June 30, 2003, the following amount for the purpose
 7 designated:

8 For reimbursing counties for granting agricultural
 9 land tax credits as provided in subsection 2:
 10 \$ 798,515

11 2. The appropriation made in subsection 1 shall be
 12 used to reimburse counties, to the extent not

13 previously reimbursed, that granted to taxpayers the
14 agricultural land tax credit pursuant to section 426.7
15 for taxes payable in the fiscal year beginning July 1,
16 2002. If the amount appropriated is insufficient to
17 reimburse all credits granted, the department shall
18 prorate the reimbursements. Payments made pursuant to
19 this subsection shall not be made sooner than March
20 15, 2003.

21 3. The appropriation in subsection 1 is in
22 addition to the appropriation made in section 426.1 as
23 limited by 2002 Iowa Acts, chapter 1171, section 175,
24 subsection 11, as amended by 2002 Iowa Acts, Second
25 Extraordinary Session, chapter 1003, section 181.

26 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
27 immediate importance, takes effect upon enactment."

28 2. Title page, by striking lines 1 through 4, and
29 inserting the following: "An Act relating to
30 supplemental appropriations to reimburse counties for
31 certain property tax credits and exemptions allowed
32 and including an effective date."

Gipp of Winneshiek asked and received unanimous consent that [House File 32](#) be deferred and that the bill retain its place on the calendar. (Amendment [H-1002](#) pending)

On motion by Gipp of Winneshiek, the House was recessed at 1:17 p.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened at 4:34 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

[House File 65](#), by committee on public safety, a bill for an act providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

Read first time and placed on the **calendar**.

[House File 66](#), by committee on public safety, a bill for an act requiring motor vehicle operators to take certain precautions when passing stationary utility maintenance vehicles and making a penalty applicable.

Read first time and placed on the **calendar**.

The House stood at ease at 4:35 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

D. Taylor of Linn on request of T. Taylor of Linn.

The House resumed consideration of [House File 32](#), a bill for an act relating to the allowance of and reimbursement for the homestead, agricultural land, and elderly and disabled property tax credits, increasing appropriations previously reduced, and providing an effective date, found on pages 168-170 of the House Journal. (Amendment [H-1002](#) pending)

On motion by Jenkins of Black Hawk, amendment [H-1002](#) was adopted.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 32](#))

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.

Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 2:

Klemme Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 32](#) be immediately messaged to the Senate.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF CORRECTIONS

Intermediate Criminal Sanctions Report, pursuant to Chapter 902.3A, Code of Iowa.

DEPARTMENT OF INSPECTIONS AND APPEALS

Annual Report of ICN Savings, pursuant to Chapter 8D.1, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2003\127 Wilbert Stroebele, Council Bluffs – For celebrating his 90th birthday.
- 2003\128 Howard Nielsen, Council Bluffs – For celebrating his 80th birthday.
- 2003\129 Jim Marshall, Council Bluffs – For celebrating his 80th birthday.
- 2003\130 Elmer and Lorine Petersen, Council Bluffs – For celebrating their 60th wedding anniversary.
- 2003\131 Robert and Joan Olsen, Council Bluffs – For celebrating their 55th wedding anniversary.
- 2003\132 LeRoy and Barbara Oamek, Council Bluffs – For celebrating their 50th wedding anniversary.
- 2003\133 Dorothy Sherman, Eagle Grove – For celebrating her 85th birthday.
- 2003\134 Martha Ruitter, Clarion – For celebrating her 90th birthday.
- 2003\135 Ella Ludwig, Webster City – For celebrating her 90th birthday.
- 2003\136 Kenneth Johnson, Stratford – For celebrating his 86th birthday.
- 2003\137 Marie Stecher, Belmond – For celebrating her 85th birthday.
- 2003\138 Bonnie and Robert Brayton, Eagle Grove – For celebrating their 50th wedding anniversary.
- 2003\139 Eleanor and Wilbur Schumaker, Webster City – For celebrating their 50th wedding anniversary.
- 2003\140 Naomi and Clarence Peterson, Clarion – For celebrating their 70th wedding anniversary.
- 2003\141 Marion and Gerhard Gabrielson, Belmond – For celebrating their 65th wedding anniversary.
- 2003\142 Bernice and Richard Trausch, Belmond – For celebrating their 50th wedding anniversary.
- 2003\143 Mr. and Mrs. Raymond Johnson, La Porte City – For celebrating their 60th wedding anniversary.
- 2003\144 Linda Hilmer, La Porte City – For celebrating her 100th birthday.
- 2003\145 Mr. and Mrs. Floyd Koob, Jesup – For celebrating their 50th wedding anniversary.
- 2003\146 Henry and Gertie Vander Ploeg, Paullina – For celebrating their 50th wedding anniversary.

- 2003\147 Hattie Berghorst, Hull – For celebrating her 90th birthday.
- 2003\148 Kristoffer Andrew Griffith, Burlington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\149 Arthur Kirchoff, Waterloo – For celebrating his 80th birthday.
- 2003\150 Irma Jean Pullin, Waterloo – For celebrating her 95th birthday.
- 2003\151 John Oliphant, Waterloo – For celebrating his 93rd birthday.
- 2003\152 Ray and Jeanette Speckmann, Sioux City – For celebrating their 58th wedding anniversary.
- 2003\153 Delores Morrissey, Cedar Rapids – For celebrating her 80th birthday.
- 2003\154 Cedric D. and Lydia M. Glick, Cedar Rapids – For celebrating their 60th wedding anniversary.
- 2003\155 Dean Harold and Marjorie Anne Twaddle, Cedar Rapids – For celebrating their 60th wedding anniversary.
- 2003\156 Wendel J. and Mary M. McAfee, Cedar Rapids – For celebrating their 50th anniversary.
- 2003\157 Gordan and Beverly Danielson, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2003\158 Laura Mae Hicks, Walker – For celebrating her 80th birthday.
- 2003\159 Nettie Rammelsburg, Vinton – For celebrating her 94th birthday.
- 2003\160 Dale Thompson, Farmersburg – For celebrating his 87th birthday.
- 2003\161 Mr. and Mrs. Albert M. Ohlsen, Davenport – For celebrating their 65th wedding anniversary.
- 2003\162 Ellen Marie Novak, Cedar Rapids – For celebrating her 80th birthday.
- 2003\163 Kenneth Hazleton, Shambaugh – For celebrating his 90th birthday.
- 2003\164 Elsie Morgan, Hamburg – For celebrating her 98th birthday.
- 2003\165 Viva Pearson, Clarinda – For celebrating her 95th birthday.

SUBCOMMITTEE ASSIGNMENTS

[House File 10](#)

Ways and Means: Tymeson, Chair; Kurtenbach and Wendt.

House File 15

Ways and Means: J. Drake, Chair; Hogg and Lalk.

House File 20

Ways and Means: Tymeson, Chair; Frevert and Lukan.

House File 24

Ways and Means: Boal, Chair; K. Kramer and Oldson.

House File 25

Ways and Means: Carroll, Chair; Lalk and Shoultz.

House File 26

Ways and Means: Hahn, Chair; Jochum and Paulsen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 32

Economic Growth: Wilderdyke, Chair; Granzow and H. Miller.

House Study Bill 33

Local Government: Hanson, Chair; Arnold and Fallon.

On motion by Jacobs of Polk the House adjourned at 5:19 p.m., until 8:45 a.m., Tuesday, January 28, 2003.